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Report of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone

Note by the Secretary-General**

Summary

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone, pursuant to Commission on Human Rights resolution 2002/20, endorsed by the Economic and Social Council at its substantive session on 26 July 2002.

Since the United Nations High Commissioner for Human Rights submitted her last report (A/56/281), there has been continuing progress in the implementation of the peace process in Sierra Leone. Internally displaced persons and refugees have started to return and national elections were held on 14 May 2002, further bolstering confidence in the restoration of peace. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in collaboration with the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL), has designed and is implementing technical cooperation projects aimed at sustaining the progress made so far in the area of human rights and developing the capacity of national actors to protect and promote human rights. The continuing fighting in Liberia between government and rebel forces contributes to continuous demographic movements affecting the situation of refugees and internally displaced persons in Sierra Leone.

* A/57/150.

** The present report was submitted on 7 August 2002 after having been mandated by the Economic and Social Council on 26 July.

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Progress has been made in the establishment of the Truth and Reconciliation Commission and the Special Court. OHCHR has continued to support activities aimed at facilitating the preparatory phase of the Commission, including an interim secretariat, increasing public awareness of the Commission and mapping of the conflict to collect information on violations for possible use by the Commission. The membership of the Commission has been announced by the President and it will be inaugurated on 3 July 2002. A major handicap in supporting the Commission is the hesitance of Member States about providing the resources required for the effective functioning of that body. Of the US$ 9.9 million requested by the High Commissioner in a special appeal for the Commission, only $1 million has been pledged. The operations of the Commission could be constrained by inadequate resources. An agreement on the establishment of the Special Court has been signed and a prosecutor and acting registrar named. No progress has been made in the establishment of the national human rights commission.

OHCHR activities in support of the establishment of the Truth and Reconciliation Commission have been accompanied by a collaborative effort with the UNAMSIL Human Rights Section aimed at implementing the human rights mandate of the Mission. As specified in various Security Council resolutions, this includes monitoring and reporting, technical cooperation, capacity-building and advocacy. While addressing past abuses and present violations, the collaborative efforts of OHCHR and UNAMSIL are also geared towards providing an effective framework for continuing respect for international human rights by supporting local initiatives.

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I. Introduction

1. The human rights situation in Sierra Leone continues to be a matter of serious concern to the Commission on Human Rights and the High Commissioner for Human Rights. At its fifty-eighth session, the Commission on Human Rights adopted its resolution 2002/20 on the situation of human rights in Sierra Leone, in which it requested the High Commissioner, inter alia, to report to the General Assembly at its fifty-seventh session and the Commission at its fifty-ninth session, respectively, on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of UNAMSIL.

II. The human rights situation

A. Reports of the Secretary-General to the Security Council and of the United Nations High Commissioner for Human Rights to the General Assembly and the Commission on Human Rights

2. Since the United Nations High Commissioner for Human Rights submitted her previous report to the General Assembly at its fifty-sixth session (A/56/281), the Secretary-General has submitted the following reports to the Security Council: S/2001/857 of 7 September 2001; S/2001/1195 of 13 December 2001; S/2002/267 of 14 March 2002; and S/2002/679 of 19 June 2002.

3. The High Commissioner notes that, since the submission of her reports to the General Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-eighth session, there has continued to be an overall improvement in the human rights situation in Sierra Leone. Apart from one serious violation of international humanitarian law in August 2001 involving the murder of civilians by the Revolutionary United Front (RUF) rebel forces, on the whole, the respect for the fundamental right to life, liberty and security of the person has been upheld. This has been true since the official ending of the conflict in January 2002 as well as during the period of electoral campaigning and the elections in May 2002.

4. During the final phases of disarmament, some tensions continued to exist between ex-combatants of the two main fighting forces, the RUF and Civil Defence Forces (CDF), especially in the diamond producing districts of the country. At the end of December 2001, for example, the town of Koidu in Kono District witnessed several days of violent clashes over the issue of diamond mining rights, during which it was reported that 13 persons were killed and 40 were wounded. The violent incidents gave rise to the mass displacement of the local population, with an estimated 12,000 persons fleeing to Masingbi in Tonkolili District and a further 5,000 persons dispersed in the outlying areas of Koidu. Calm was quickly restored following the intervention of UNAMSIL troops and has since been maintained. Certain social tensions have recently resurfaced, linked to the issue of ethnicity, place of origin and control of mineral resources.

5. The most serious case of violence relating to the elections appears to have taken place in Freetown on 11 May 2002, when supporters of the Sierra Leone People's Party (SLPP) and the Revolutionary United Front Party (RUFP) clashed during separate party rallies held in the capital. This resulted in the ransacking of RUFP headquarters. There were also other complaints of politically motivated violence and threats in the Freetown area and in Makeni prior to the elections. However, none of these developed into serious incidents. The elections marked the first nationwide voting since the conflict started in 1991 and have been generally adjudged free and fair. No incidents of violence or intimidation were observed and only reports of minor disturbances and irregularities were received.

B. Refugees and internally displaced persons

6. UNHCR reported that a refugee crisis was emerging in Sierra Leone owing to the influx of Liberians fleeing the fighting between Liberians United for Reconciliation and Democracy (LURD) rebels and government forces in Liberia. From 1 January to 31 May 2002, UNHCR registered an additional 14,000 Liberian refugees in five camps in Sierra Leone, bringing the total number in the camps to nearly 25,000 persons. Another 12,000 Liberian refugees were estimated to be living in Sierra Leone outside the UNHCR camps.

7. The number of Sierra Leonean refugees remaining in the subregion was estimated to be about 165,000, about 37,000 of whom were in Liberia. From September 2000 to May 2002, UNHCR and its implementing partners assisted nearly 90,000 Sierra Leonean refugees, mainly in Guinea and Liberia, to return home. An additional 70,000 persons were estimated to have returned home on their own, bringing the total number of returnees to about 160,000. Of the 90,000 who received assistance from UNHCR, 56,000 were helped to return to their places of origin, while 34,000 were housed in displaced persons camps. During the first five months of 2002, nearly 30,000 refugees returned home by land convoys from Guinea and Liberia.

8. Over the course of the last year, the Office for the Coordination of Humanitarian Affairs and the National Commission for Social Action organized three phases of resettlement for 158,000 registered internally displaced persons. The largest of the resettlement operations occurred in April 2002, during which time it was estimated that 100,000 individuals resettled in 12 operations. The Office estimated that by the end of May some 30,000 internally displaced persons were still waiting to be resettled.

C. Children and armed conflict

9. Throughout the 10-year conflict in Sierra Leone, thousands of children were victims of separation, displacement, abduction, forced recruitment as combatants, rape, forced drug use and many other forms of physical, mental and sexual abuse. Of the 4,543 child combatants disarmed in the period 2001-2002, about 2,600 were with RUF and 1,700 were with CDF. Two hundred seventy-five girls were part of the total number, most of them associated with RUF. The total number of children who have officially disarmed during the whole process is 6,904.

10. In the past year, the main focus for child protection agencies, working in collaboration with the Ministry of Social Welfare, Gender and Children's Affairs, has been the reunification of separated children with their families. The United Nations Children's Fund (UNICEF) reported that a total of 2,525 separated child combatants and 502 children (mostly refugee children from Guinea) have been separated from their families. In February 2002, the UNAMSIL Human Rights Section investigated reports that some of these children were being used as forced labour in Tongo Fields, Kenema District. It was revealed that groups of child combatants served under various "masters" who benefited considerably from diamond mining activities.

11. UNICEF and other child protection agencies supported more than 2,500 children to return to school and nearly 800 received skill training over the course of the year. They also assisted more than 1,000 street children with support services, such as shelter and informal education.

12. The United Nations set an important precedent on 21 November 2001 when it invited a Sierra Leonean former child combatant to address the Security Council for the first time in its history. He described how he had been abducted from his village by RUF and forced to kill, cut limbs, burn and destroy property, as well as his struggle to reintegrate back into society.

13. On 21 August 2001, the Sierra Leonean Parliament unanimously ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

D. Allegations of child abuse

14. In January 2002, a report was released, jointly produced by UNHCR and Save the Children-UK, alleging alarming details of an ostensible pattern of abuse and exploitation of young refugees in West Africa by some members of the humanitarian community, including peacekeepers. UNHCR moved quickly by sending a team of investigators to the region and commenced work within the United Nations system and with its humanitarian partners on implementing remedial measures including increasing the senior-level international presence, monitoring in the camps to identify children who are particularly vulnerable to exploitation and ensuring that they get the help and protection that they deserve.

15. In UNAMSIL, allegations of sexual misconduct against peacekeepers by UNICEF and Caritas Makeni, a local Catholic non-governmental organization (NGO), were investigated by the Mission, in collaboration with child protection agencies. Other related investigations of child sexual abuse were conducted in Lungi and Kabala. The UNAMSIL child rights officer and a Caritas Makeni social worker

conducted a series of confidential interviews and initiated enquiries with law enforcement officials and medical professionals in Lungi and Kabala, but neither reported any incidence, allegation and/or investigation of child sexual abuse involving UNAMSIL peacekeepers.

16. In a separate but related initiative, human rights officers in Makeni collected testimonies from nine girls under the age of 18, referred to them by the Catholic Church, who alleged they had engaged in sexual relations with UNAMSIL peacekeepers. All were either pregnant at the time or had given birth and were from poor and illiterate family backgrounds and had received little or no sexual education.

17. In reaction to these reports of child sexual abuse and exploitation, UNAMSIL Force Headquarters and Contingent Commanders have reinforced existing preventive measures for the protection of children and women. The UNAMSIL military leadership has also agreed to reinforce troop movement control and the application of severe disciplinary sanctions in cases of misconduct.

18. The UNAMSIL Human Rights Section and Child Protection Adviser have been strengthening their monitoring and reporting procedures for sexual abuse, violence and exploitation of children and women. Together with the Force Headquarters and Contingent Commanders they have been working to establish Child Protection Monitoring Units at the level of each battalion. In collaboration with the Ministry of Social Welfare, Gender and Children's Affairs, UNAMSIL, together with UNICEF and other child protection agencies, has worked to standardize information gathering and reporting procedures. This includes support to the children and women who are victims of sexual abuse, violence and exploitation.

19. With the assistance of the Ministry of Social Welfare, Gender and Children's Affairs, a Sexual Exploitation Steering Committee has been established in Sierra Leone, which is coordinated by the United Nations Office for the Coordination of Humanitarian Affairs. The Committee has been working to strengthen services for abused children and women, to improve monitoring and security in refugee camps and raise awareness in the community about sexual violence and exploitation. It has finalized standards of accountability governing the conduct of humanitarian and development workers in Sierra Leone.

20. UNAMSIL has continued to provide systematic training and orientation programmes to new members of the Force, military observers and civilian police through a programme conducted by the Human Rights Section and Child Protection Adviser, in conjunction with the Force Training Unit and Commanding Officers. The programme aims to increase the awareness of peacekeepers about issues pertaining to basic human rights and women's and children's rights. The training and orientation focus on the code of conduct for peacekeepers and the Secretary-General's bulletin on the observance by United Nations Forces of international humanitarian law (ST/SGB/1999/13). Additionally, the Human Rights Section and the Child Protection Adviser have developed a programme of training of trainers of peacekeepers on child rights and child protection issues, targeting officers at the level of the Force and Sector Headquarters as well as in the different battalions.

E. Violence against women

21. Under the guidance of OHCHR, the UNAMSIL Human Rights Section has continued to focus on the promotion of women's rights through training, monitoring and reporting on gender-based violence. The joint work of OHCHR and the Section and other partners has ensured the production of a substantive study on women ex-combatants. Significant support was also provided to the following three important gender-related activities carried out in Sierra Leone over the past year:

- Publication of scientific research on war-related sexual violence by the United States-based organization Physicians for Human Rights (PHR) in January 2002
- Visit of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, in August 2001
- Visit of a UNIFEM-commissioned team of independent experts to look into the impact of war on women and the role of women in peace-building in January 2002.

22. In early 2001, OHCHR and the UNAMSIL Human Rights Section provided support to PHR to conduct a comprehensive study on the prevalence of sexual violence in the context of the armed conflict in

Sierra Leone. The report on the study, published in January 2002, depicts a disturbing and underreported pattern of violence and abuse against women and promises to serve as an important tool for advocacy on this important subject. The findings of the report suggest that thousands of women in Sierra Leone would be willing to testify to the Special Court and the Truth and Reconciliation Commission.

23. The PHR study suggests that internally displaced women and girls in Sierra Leone suffered extraordinary levels of rape, sexual violence and other gross human rights violations during the conflict. The study was the first to evaluate the prevalence of sexual violence using population-based random sample methods based on a survey of 991 households. Ninety-four per cent of the households randomly surveyed reported at least one person having suffered abuses, such as abduction, beating, killing, rape and other forms of sexual violence. Approximately one in eight households (13 per cent) interviewed by PHR reported some form of war-related sexual violence and 9 per cent of individual female respondents reported such abuses. When the total number of war-related sexual violence incidents reported by the survey participants was extrapolated to the total internally displaced female population in Sierra Leone, it was estimated that 50,000 to 64,000 internally displaced Sierra Leonean women could have been the victims of sexual violence.

24. At the invitation of the Government of Sierra Leone, the Special Rapporteur on violence against women conducted a fact-finding visit to Sierra Leone from 21 to 29 August 2001. During her visit, the Special Rapporteur visited Kenema, Bo and Makeni. She met with senior members of the Government, the RUF high command, officials of UNAMSIL, representatives of several women's groups and members of the diplomatic community. In her report to the Commission on Human Rights at its fifty-eighth session (E/CN.4/2002/83/Add.2), she recommended to the international community to:

- Ensure that all reports of rape and other forms of gender-based violence are fully investigated by the appropriate authorities in order to identify those responsible and bring them to justice. This should include training for the judiciary, law enforcement agents and the Republic of Sierra Leone army
- Increase funding for programmes that address the needs of victims of sexual violence, including medical care, trauma counselling, education, vocational skills training and income-generating schemes.

25. The Special Rapporteur noted that the failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence has contributed to an environment of impunity that perpetuates violence against women in Sierra Leone. She voiced her concerns regarding the poor performance of the criminal justice system in relation to women and the reported low level of convictions for rape and other forms of gender-based violence. She urged the Government to increase its efforts to combat violence against women, through such measures as gender-sensitive training in the criminal justice system. She stated that, in accordance with Security Council resolution 1325 (2000) of 31 October 2000, women and women's groups should be fully involved in the peace process and their needs and interests included in the political negotiations. Upon the request of the Security Council, an Arria Formula meeting was held on 12 March 2002, in which the Special Rapporteur briefed some Council members on her mission.

F. Extrajudicial summary or arbitrary executions

26. In the period covered by the present report, the UNAMSIL Human Rights Section investigated only one serious infraction of the ceasefire agreement that involved an attack against unarmed civilians. This occurred in the village of Seria in Koinadugu District, which was reportedly attacked by RUF on 20 August 2001. Witnesses related that RUF captured around 13 men, beat them severely and cut them with knives. One man was shot dead after the beating and one other died later as a result of his injuries.

27. As the displaced civilian population returned to their places of origin, information about the existence of mass gravesites and other evidence of mass murder, such as slaughterhouses, came increasingly to the attention of members of UNAMSIL and other civil society groups. During this reporting period, OHCHR engaged the services of a consultant to work with a local NGO, the Campaign for Good Governance, to map the Sierra Leone conflict and, inter alia, conduct preliminary investigations into alleged massacres in

preparation for the visit of a team of forensic anthropologists from 15 June until 14 July 2002. The UNAMSIL Human Rights Section has also conducted some investigations.

28. In November 2001, human rights monitors investigated the presence of gravesites in the villages of Taindicome and Nonkoba in the Masimera chiefdom of Port Loko. These villages were alleged to have formed part of a sweep of attacks against the civilian population in that area by the Armed Forces Revolutionary Council-Revolutionary United Front (AFRC-RUF) in April 1999 while they were in retreat from the forces of the Economic Community of West African States Monitoring Group (ECOMOG). According to eyewitness testimonies collected in Taindicome, 47 persons from the village along with the 50 other captives were beaten to death with machetes, hoes and other implements. The victims were reportedly buried in different sites by the assailants on the direct orders of one of their commanders. A second investigation into allegations of mass murder in the village of Manarma, Maforki chiefdom, during the same period was also undertaken. Here witnesses described how the rebel forces incinerated a house with about 60 captives inside and committed other indiscriminate murders and atrocities in the village.

29. In January 2002, preliminary investigations were conducted in Tumbodu, a village located in Kamara chiefdom a few miles north of Koidu in Kono District, which was allegedly attacked by AFRC-RUF in March-April 1998. Several sites containing what appear to be skeletal remains were observed, as well as an artificial pond known locally as "Savage Water", where it has been alleged that hundreds of bodies were dumped. Several testimonies were taken from victims and survivors of the alleged attacks, from which a clear pattern of murder, amputation and abduction has emerged.

30. During a visit to Kailahun in April, human rights monitors observed human remains in a ravine that were said to belong to 68 suspected Civil Defence Forces (CDF) collaborators killed by RUF in 1998, according to some local inhabitants who claimed to be eyewitnesses to the massacre. A former RUF member also claimed to have witnessed 75 CDF killed in a slaughterhouse in 1988.

31. Human rights monitors have also identified sites apparently containing human remains in Koinadugu town in Koinadugu District, and talked to witnesses and survivors of an alleged massacre committed by AFRC-RUF forces in October 1998. In addition, they have been informed of widespread abuses perpetrated against the civilian population by these rebel forces in Karina in Bombali District in 1988, including murders, amputation and abductions, where a number of gravesites have also been identified. Preliminary investigations have also been initiated into a number of other villages in Bombali District where mass murder is said to have taken place.

32. In response to these issues and in order to contextualize the serious violations that characterized the Sierra Leone conflict, OHCHR has engaged a team of forensic experts to conduct preliminary investigations of the identified mass graves. The team is conducting its investigations at the time of preparation of the present report. Its work was preceded by preliminary research and identifications of sites by a consultant for OHCHR working in collaboration with the Campaign for Good Governance. Their preliminary work and additional work by the forensic team is funded under the OHCHR technical cooperation project to support the Truth and Reconciliation Commission.

G. Amputations

33. The UNAMSIL Human Rights Section has collected testimonies from more than 150 victims of war-related amputation and is in the process of analysing this data in order to gain a better understanding of this egregious abuse from the 10-year conflict. More than two thirds of the amputees interviewed were the victims of deliberate mutilation. Others had had surgical amputations as a result of wounds caused by gunshot or explosive ordnances. International NGOs working with amputees estimated that some 4,000 individuals were purposely victims of amputation during the conflict and that three out of four of these victims died as a consequence. Out of the estimated 1,000 survivors, more than 200 have been based in the Amputee Camp in Freetown, while others are presumed to have remained in their places of origin or to have been displaced by the conflict. Human rights monitors have carried out interviews at the Amputee Camp in Freetown and in the districts of Bombali, Port Loko and Kenema.

34. Although the following analysis is based on the preliminary findings of the more than 100 interviews conducted with victims of deliberate amputations, their testimonies include eyewitness accounts of amputations performed on more than 200 other individuals, many of whom subsequently perished.

35. Of the individuals interviewed, more than 80 per cent were male. The most commonly performed amputation was that of the hand or forearm. In a third of these cases, both of the hands or forearms of the victim were amputated. Amputation of the lower limbs was much less common and possibly resulted in a much higher fatality rate. In some cases, other body parts — mostly ears, fingers, toes and, in one case, lips — of the victims were severed.

36. These atrocities were widely reported by the press as having been committed principally by RUF. However, the most striking element to emerge from the analysis of this specific number of cases was that the affiliation of the perpetrator most commonly reported was a former government soldier (Sierra Leone Army). Two main clusters of amputations, involving 60 per cent of the victims interviewed, were discernible from the testimonies collected. These occurred in the Kono District in 1998 and in the Freetown area in early 1999, at the time that the AFRC-RUF junta was under assault from ECOMOG forces. Those interviewed also provided eyewitness testimony to murder and massacres involving more than 350 individuals. In several instances, the victims were not able to quantify the number of persons killed, but described the annihilation of entire villages.

H. Detainees

37. Two prisons were reopened in Sierra Leone during the past year, bringing the total number of functioning prisons in the country to eight, which represents half the number of prisons that operated before the start of the conflict. Prison officers have been assigned to seven of the towns where prisons were previously operated in anticipation of their reopening.

38. According to official figures, at the end of May 2002, the total prison population in the country was 1,094, of which 610 were in the Freetown Central Prison. Of the 1,094 prisoners, 53 per cent were held on remand, 11 per cent were on trial, 28 per cent had been convicted and 6 per cent were considered safe-custody detainees. This breakdown does not include the one prisoner condemned to death and the 12 foreign nationals held on various charges.

39. As a result of the series of successful tripartite meetings between UNAMSIL, RUF and the Government of Sierra Leone, nearly 117 safe custody detainees, including several leading RUF members held in Freetown Central Prison and Bonthe and Pujehun prisons, were released in the months of July, August and September 2001. Some of the RUF members released went on to become key players in the peace negotiations with the Government.

I. Charges against RUF members and members of another group

40. On 1 March 2002, the public emergency regulation pursuant to which over 121 RUF members and members of other fighting forces were detained in August 2000 was lifted. On 4 March 2002, Foday Saybanah Sankoh and 50 other RUF members were arraigned before a Freetown magistrate court to answer to criminal charges on 70 counts, including conspiracy to murder, murder and shooting with intent to kill. Thirty-seven members of the West Side Boys were charged with conspiracy to murder, murder and robbery with aggravation.

41. The cases were transferred to the High Court in early May. Capital punishment applies to the charges against the defendants and, as it is not likely that the Special Court would interrupt the trial of many of the accused RUF and West Side Boys members, the case may proceed at least partially in the domestic courts. UNAMSIL has been concerned about the lack of legal representation at all the stages of the procedure in cases involving offences where capital punishment could apply, and the risk of double standards being applied to the defendants. The maximum penalty to be imposed by the Special Court is life imprisonment. However, those who are charged with capital offences in the domestic courts could face the death sentence.

J. Restoration of the judiciary in the provinces

42. The dysfunctional state of the judicial sector in Sierra Leone is palpable and has been recognized in previous reports. During the conflict, the judiciary,

including the magistrate courts, did not operate outside Freetown. This situation indicated the severe limitations that existed for the enforcement of the rule of law in the country. The situation began to improve when four magistrate courts were reopened in Kenema, Bo, Port Loko and Waterloo. The same officials have been asked to serve as visiting magistrates in jurisdictions most proximate to their designated duty stations. Additionally, the lack of trained legal personnel and the absence of legal aid for the indigent remain problems causing a large backlog of cases and prolonged pre-trial detention. In order to ameliorate the situation, OHCHR, during the coming 18 months, will provide a grant of US$ 80,000 to a local group, the Lawyers Centre for Legal Assistance (LAWCLA) to provide legal aid to indigent members of the public.

III. Human rights activities of the United Nations in Sierra Leone

A. UNAMSIL and the Human Rights Section

43. The relationship between OHCHR and UNAMSIL emanates from the memorandum of understanding between OHCHR and the Department of Peacekeeping Operations. It is further deepened by the terms of the Sierra Leone Human Rights Manifesto, adopted in June 1999 during the visit of the High Commissioner for Human Rights. The Manifesto recognizes the centrality of human rights to the promotion of peace and security, emphasizing the importance of a unified United Nations approach to achieving the charter-mandated objectives in the country. With progress in the implementation of the peace process, the Human Rights Section has continued to expand its outreach by opening regional offices to complement the headquarters in Freetown. The first of the regional human rights offices opened in Kenema in May 2001 followed by a second in Makeni in September 2001. Two additional offices were opened in Port Loko and Koidu in early 2002. This has enabled the Human Rights Section to cover 10 of the country's 12 districts. The remaining two districts are visited on an ad hoc basis by the monitoring team based in the headquarters in Freetown.

44. In order to address the specific human rights issues in Sierra Leone, OHCHR has assisted the UNAMSIL Human Rights Section in designing specialist posts to cater for and effectively respond to the specific thematic subjects that require close attention in the context of Sierra Leone. In this regard, the following specialist posts have been created, namely, gender specialist, child rights specialist, national institutions specialist, rule of law specialist, field work coordinator and training specialist.

B. Capacity-building and advocacy

45. The human rights work of UNAMSIL will be judged not only by the quality of its response to violations and abuses in Sierra Leone but also by its contribution to the development and enhancement of local capacity to deal with human rights issues. In recognition of this, OHCHR, in collaboration with the Human Rights Section, has proposed three projects for funding through the OHCHR Annual Appeal and the Consolidated Inter-Agency Appeal. The projects aim to support and build local capacity in the field of human rights. The proposed activities will specifically support the creation of a national human rights commission, strengthen the capacity of the Office of the Ombudsman, support the establishment of the human rights documentation, information and training centre, and provide assistance to LAWCLA to set up a legal aid programme. Additional support to local initiatives is also provided through the Assisting Communities Together (ACT) project through which OHCHR provides small grants to assist local grass-roots NGOs. The selection of beneficiaries under this programme is done in Geneva, but is facilitated by the Sierra Leone Task Force for ACT, consisting of representatives from UNDP, the National Forum for Human Rights, humanitarian NGOs and the UNAMSIL Human Rights Section.

46. The UNAMSIL Human Rights Section continued to encourage exchanges between human rights, humanitarian groups and the wider United Nations community in Sierra Leone through the fortnightly meetings of the human rights committee which it hosts. The gathering serves as an invaluable forum for information sharing, learning and joint action for the enlarged human rights and humanitarian community in Sierra Leone. In the context of national elections held on 14 May 2002, the UNAMSIL Human Rights Section, in collaboration with the Sierra Leone Police (SLP) and the UNAMSIL Civilian Police, developed,

produced and disseminated a pocket-size booklet and leaflets on elections and human rights for SLP.

47. Since the National Workshop on the Human Rights Commission, held in Freetown in December 2000, no further steps have been taken by the Government in the establishment of a national human rights commission. In order to move this process forward, the Special Adviser to the High Commissioner on national institutions wrote to the Vice-President and former Attorney-General to propose possible options for the speedy establishment of the commission.

C. Establishment of the Truth and Reconciliation Commission and the Special Court

48. OHCHR assisted the Government in the drafting process that culminated in the adoption of the Truth and Reconciliation Commission Act by the Sierra Leone Parliament in February 2000. Subsequently, at the request of the Government, OHCHR designed a technical cooperation project to support preparations for the Commission. Following some initial delays relating to the deterioration in the security situation in Sierra Leone, the project started in June 2001. The following activities have been implemented so far:

- Public information and education campaigns coordinated with grants to the International Human Rights Law Group and local NGOs, the National Forum for Human Rights and the National Commission for Democracy and Human Rights
- Mapping of the conflict (i.e. compilation of information regarding key defining events within the period of temporal jurisdiction of the Truth and Reconciliation Commission) undertaken by a local NGO and OHCHR grantee, the Campaign for Good Governance
- Research on traditional methods of conflict resolution and reconciliation among the different cultural groups in Sierra Leone, conducted by the OHCHR grantee, Manifesto 99
- Selection of commissioners conducted under the guidance of the High Commissioner and the Special Representative of the Secretary-General, UNAMSIL
- Identification of facility requirements for the Truth and Reconciliation Commission, for instance, its secretariat, including staffing and logistical requirements, being undertaken by the Interim Secretariat
- Expert seminar and workshop on the relationship between the Truth and Reconciliation Commission and the Special Court, which was held in New York on 20 and 21 December 2001 and in Freetown on 15 January 2002
- Expert meeting on the role of the Truth and Reconciliation Commission in dealing with child offenders, co-hosted with UNICEF and UNAMSIL, in Freetown from 4 to 6 June 2001.

49. From 13 to 17 January 2002, OHCHR sent a high-level inter-branch planning mission on the Truth and Reconciliation Commission to Sierra Leone to, inter alia, prepare the ground for the establishment of the Commission. Based on the recommendations of this team, a time-plan for the establishment of the Commission was agreed upon, including the preparatory processes thereof. In this regard, OHCHR established an Interim Secretariat for the Commission whose operations will lead to the establishment of the Commission. In the spirit of national ownership and control of the Commission, the Interim Secretariat is headed by a Sierra Leonean Executive Secretary recommended by the Government. The Interim Secretariat began operations on 25 March 2002. It is composed of three international advisers on policy, administration and programming, and operations, respectively, as well as six national experts. The national experts are responsible for the operational units (research, public information and education, investigation, reconciliation and protection, legal, and administration and programming). The operations of the Interim Secretariat will dovetail with the inauguration of the Commission, which is scheduled on 3 July 2002 and will terminate upon the establishment of the Secretariat of that body.

50. The Interim Secretariat has undertaken the following activities so far:

- Conducted an inventory of available research on the conflict
- Completed a review of the research by a local NGO, Manifesto 99, on traditional methods of conflict resolution

- Facilitated the revitalization of the public information campaign on the Truth and Reconciliation Commission
- Ensured the implementation of outreach and sensitization activities directed at returnees and refugees still in Guinea and Liberia
- Conducted assessment trips to Kono, Kambia and Port Loko to educate returnees about the Truth and Reconciliation Commission
- Commenced an inventory and evaluation of existing psycho-social training and support services as well as human rights investigation and statement-taking sources
- Mobilized a network of local NGOs to co-host an international conference (now at an advanced stage of planning) on Islamic perspectives and human rights
- Identified premises for the headquarters of the Commission and is negotiating with the Government on the transfer of the property which will still require renovation.

51. The membership of the Truth and Reconciliation Commission was announced by President Kabbah on 13 May 2002. The appointees are: Mr. Sylvanus Torto, Rt. Rev. J. C. Humper, Hon. Justice Laura Marcus-Jones, Prof. John A. Kamara, Ms. Yasmine Louise Sooka (South Africa), Prof. William A. Schabas (Canada) and Ms. Satang Ajaaratou Jow (the Gambia). The members were appointed after a lengthy selection process overseen by the High Commissioner and the Special Representative of the Secretary-General (UNAMSIL).

52. The Commission was inaugurated by President Kabbah on 5 July 2002 and is expected to operate for 15 months (which includes the statutory three-month preparatory phase) with a possible extension for another six months. The Commission shall, subject to the Truth and Reconciliation Commission Act, determine its operating procedures and mode of work with regard to its operational functions which shall, inter alia, include:

- Undertaking investigation and research into key events, causes, patterns of abuse or violation and the parties responsible
- Holding public or in-camera sessions to hear testimonies
- Taking individual statements and gathering additional information by the means it deems appropriate, including requesting reports, records, documents or any information from any source, including governmental authorities, and compelling the production of such information as and when necessary
- Calling upon any person to meet with the Truth and Reconciliation Commission or its staff, or to attend a session or hearing of the Commission, and compelling the attendance of any person who fails to respond to a request of the Commission to appear and to answer questions relevant to the subject matter of the session or hearing
- Requiring that statements be given under oath or affirmation and to administer such oath or affirmation.

53. In order to ensure United Nations system-wide coordinated support to the Truth and Reconciliation Commission, OHCHR and its United Nations partners are preparing a memorandum of understanding with the Government aimed at setting out the operational and administrative modalities for OHCHR support to the Commission. This will also regulate the status of the Commission and its standing as an independent national institution.

54. On 21 February 2002, the High Commissioner launched a special appeal amounting to $9.9 million to support the activities of the Sierra Leone Truth and Reconciliation Commission. This was followed by a donor briefing in New York on 30 April 2002. The response to the appeal has not been encouraging so far. Several donors have indicated their interest in the Commission but have not yet made pledges in writing. To step up the process, an informal briefing for donors was held in Geneva on 5 June 2002 on developments and future plans. The only pledges to the Commission to date amount to approximately $1 million. As preparations for the establishment of the Commission accelerate, the need for adequate funding of that institution becomes all the more clear. In its resolutions 1370 (2001) of 18 September 2001 and 1400 (2002) of 28 March 2002, the Security Council urged donors to commit funds to the Truth and Reconciliation Commission. The Commission on Human Rights had also requested assistance to the truth and reconciliation process in its resolution 2002/20, adopted at its fifty-eighth session. These calls were once again reiterated in a Presidential statement issued by the Security

Council after its informal consultations on Sierra Leone on 22 May 2002, in which the Council urged donors to contribute generously and provide urgently needed funds to the Truth and Reconciliation Commission.

55. Further progress has been made in preparations for the establishment of the Special Court following the signing on 16 January 2002 of the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone and the statute enclosed therewith (S/2000/915, annex). In March 2002, the Special Court Agreement 2002 (ratification) Act was enacted by the Sierra Leone Parliament as implementing legislation, thus giving legal effect in the municipal jurisdiction of the Special Court. Already a Registrar and Prosecutor have been appointed for the Special Court as well as eight judges of its Trial and Appeals Chambers.

IV. Conclusions and recommendations

56. Since the last report of the High Commissioner, there has been remarkable progress in the implementation of the peace process in Sierra Leone. This has opened up the area for human rights work in terms of addressing past abuses and violations, advocacy, capacity-building, education and institution-building. The main challenges remain addressing past abuses and redressing present-day violations while developing national capacity to promote and protect human rights. This entails a sizeable investment, sustained follow-up of efforts and a full appreciation of existing gaps. The institutional, material and moral destruction resulting from the conflict is prodigious and requires a multifaceted approach. OHCHR, in collaboration with UNAMSIL, will continue to play its role in responding to the human rights needs of Sierra Leone. One way of doing this is by deepening working relationships with local State and non-State actors, especially stakeholders within civil society, in order to persuade representatives at the senior level that the consolidation and institutionalization of the human rights agenda is needed.

57. Other issues that affect the level of awareness about human rights issues are the efforts to address impunity through the Truth and Reconciliation Commission and the prosecution of past abuses through the Special Court. These, in effect, amount to high-profile exposure on human rights topics and could also serve to raise the level of discussion on human rights with the Government, the Parliament, the Judiciary and the national institutions, as well as within civil society groups.

58. OHCHR should continue to support the UNAMSIL Human Rights Section to consolidate its important role as a catalyst and facilitator of the human rights cause in Sierra Leone. Its support to the bodies vested with the functions of dealing with past abuses — the Truth and Reconciliation Commission and the Special Court — should continue to be prioritized, taking into consideration the independence of those institutions. In this regard, it is important to sustain necessary linkages between programmes related to truth, justice, redress and reconciliation and those focusing on the rebuilding of the rule of law and the reform of the judicial system in Sierra Leone. In order to build a foundation for the rule of law, the priority in the current period should be an independent, objective and impartial judiciary capable of playing its role vis-à-vis some key problems, such as lack of access to justice for indigents, prolonged pre-trial detention or how to deal with juveniles suspected of crimes.

59. In the future, emphasis should continue to be placed on developing modules for the training of the judiciary and law enforcement agencies on human rights in the administration of justice, with special emphasis on the due process of law and the handling of juvenile offenders, as well as the respect of human rights of women, internally displaced persons and other vulnerable groups. Among the important long-term goals for Sierra Leone, besides legal and institutional change, is the need to instil a culture of tolerance and respect for human rights. In the Sierra Leonean context, promoting and protecting specific rights, such as the rights of women, children and internally displaced persons, will be necessary over a long period. At the same time, short-, medium- and long-term programmes should be envisaged for specific sectors, such as youth, the media and educational institutions.

60. For its part, OHCHR should continue to support the Truth and Reconciliation Commission to ensure that it functions effectively and is able to fulfil its roles and functions as envisaged in the Truth and Reconciliation Commission Act. In this regard, OHCHR counts on the generosity of Member States to provide the resources needed for the effective functioning of the Commission.